

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY</b>	
	<b>Chapter 4:</b> Assessment	<b>Effective Date:</b> July 1, 2011
	<b>Section 33:</b> Standby Guardianship	<b>Version:</b> 1

## STATEMENTS OF PURPOSE

The Indiana Department of Child Services (DCS) will consider the Standby Guardian or Alternate Standby Guardian as defined in [IC 29-3-3-7: Declaration of standby guardians; required information; duration of the guardianship](#) for purposes of determining the placement of a child who is the subject of:

1. An allegation of Child Abuse or Neglect (CA/N) under [IC 31-33. Juvenile Law: Reporting an Investigation of Child Abuse and Neglect](#);
2. An open Child In Need of Services (CHINIS) case under [IC 31-34. JUVENILE LAW: CHILDREN IN NEED OF SERVICES](#); or
3. An open delinquency case under [IC 31-37. Juvenile Law: Delinquency](#).

A Standby Guardian is a person named by the parent of a minor or guardian to assume legal custody of a child when that parent is no longer able to care for the child as a result of a triggering event (debilitation, incapacity or death).

The parent or guardian of a minor may, also, designate an Alternate Standby Guardian if the designated Standby Guardian is unable to serve, renounces the appointment, dies or becomes incapacitated.

This consideration is required, but not binding upon DCS, Probation or the Juvenile Court.

**Note:** Standby Guardians or Alternate Standby Guardians must still meet the requirements of DCS placements in order for a ward of DCS or Probation to be placed in their care, See policy, [8.1 Selecting a Placement Option](#).

The Standby Guardianship can be effective for 90 days upon death or incapacity of the parent of a minor or guardian.

When the parent or guardian of a minor names a Standby Guardian or Alternate Standby Guardian, or the alleged perpetrator is a Standby Guardian or Alternate Standby Guardian, then the Family Case Manager (FCM) will staff with the Supervisor, DCS Local Office Director (LOD) or designee, and a DCS Staff Attorney.

### Code References

1. [IC 31-33. Juvenile Law: Reporting an Investigation of Child Abuse and Neglect](#)
2. [IC 31-34. JUVENILE LAW: CHILDREN IN NEED OF SERVICES](#)
3. [IC 31-37. Juvenile Law: Delinquency](#)
4. [IC 29-3-1-7.5: Incapacitated Person](#)
5. [IC 12-7-2-61: Developmental Disability](#)

6. [IC 29-3-3-7: Declaration of standby guardians; required information; duration of the guardianship](#)

## PROCEDURE

The FCM will:

1. Review any notarized documentation from the family regarding a guardianship;
2. Staff the case with their Supervisor, DCS LOD or designee and a DCS Staff Attorney regarding the possible Standby Guardianship situation;
3. Consider the Standby Guardian or Alternate Standby Guardian for purposes of determining a placement if applicable; and
4. Document in the case management system that the consideration was made.

## PRACTICE GUIDANCE

### **Safely Home, Families First and Engaging Fathers**

The Standby Guardian or Alternate Standby Guardian may be able to provide valuable information about a child's extended family and non-custodial parents. By engaging the Standby Guardian and using a [Family Network Diagram](#), the FCM can document valuable information about the child's history, extended family and identify informal supports to help reach the best permanency option for the child.

## FORMS AND TOOLS

[Family Network Diagram](#)

## RELATED INFORMATION

### **Definition of Incapacity**

An incapacitated person means an individual who:

1. Cannot be located upon reasonable inquiry;
2. Is unable
  - a. to manage in whole or in part of the individual's property,
  - b. to provide self care, or
  - c. both
7. because of insanity, mental illness, mental deficiency, physical illness, infirmity, habitual drunkenness, excessive use of drugs, incarceration confinement, detention, duress, fraud, undue influences of others on the individual, or other incapacity (as defined in [IC 29-3-1-7.5: Incapacitated Person](#) or having a developmental disability (as defined in [IC 12-7-2-61: Developmental Disability](#)).